

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT DEVELL KINCADE,

Defendant.

Case No. 2:15-cr-00071-JAD-GWF

ORDER

This matter is before the Court on Defendant Kincade's *Ex Parte* Motion for Conversion to CJA Appointment (Dkt. #80), filed on March 7, 2016.

BACKGROUND AND DISCUSSION

Defendant Kincade was indicted on one count of armed bank robbery and one count of brandishing a firearm during a crime of violence on March 11, 2015. *Indictment (Dkt. #10)*. Defendant was subsequently appointed Mr. Osvaldo Fumo, Esq. as his counsel pursuant to the Criminal Justice Act ("CJA"). *See Dkt. #18*. Thereafter, Defendant moved to remove Mr. Fumo as his counsel of record and requested the Court appoint him a new attorney. On July 22, 2015, the Court granted Defendant's motion and Ms. Jennifer Waldo, Esq. was appointed as his CJA counsel. *Dkt. #34*. On that same day, Defendant was indicted on additional counts of armed bank robbery and brandishing a firearm during a crime of violence. *Superseding Indictment (Dkt. #35)*.

On September 1, 2015, Defendant elected to substitute Kathleen Bliss, Esq. as his retained counsel in place of his CJA appointed counsel. *Dkt. #45*. From that time, Defendant's mother had been funding his defense. However, Defendant represents that his mother is no longer able to continue paying for Ms. Bliss's legal fees. *Motion (Dkt. #80)*. Defendant now requests the Court appoint him CJA counsel, and specifically requests the Court appoint his current counsel, Ms. Bliss.

1 Defendant's trial is currently scheduled for April 19, 2016. Defendant asserts that his
2 current counsel "has expended approximately 190 hours on this case, including consulting with the
3 client, reviewing discovery, conferring with the prosecutor, conducting research, filing motions, and
4 strategizing." *Motion (#80), pg. 4, ln. 2-4*. The Court finds that the interests of judicial economy
5 and continuity of representation weigh in favor of granting Defendant's motion. Accordingly,

6 **IT IS HEREBY ORDERED** that Defendant Kincade's *Ex Parte* Motion for Conversion to
7 CJA Appointment (Dkt. #80) is **granted**. Defendant's current counsel, Kathleen Bliss, Esq., shall
8 be appointed as his CJA counsel for the remainder of this matter.

9 DATED this 8th day of March, 2016.

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12 GEORGE FOLEY, JR.
13 United States Magistrate Judge
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